IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1862 OF 2005

Dharavi Vivekanand Coop Hsg.Scty Ltd.. Petitioner

versus

1. State of Maharashtra ors .... Respondents

Mr.D.S.Sakhalkar for Petr

Mr.Milind More AGP for Respt no.1

Ms A.R.Joshi for Respt no.2

Mr.S.V.Chavan i/b Utangale & Co for Respt nos.3& 4

Mr S.G.Surana for Respt no. 7

CORAM : D.G. KARNIK, J

DATED : 9th August, 2005.

P.C.

1. Heard learned counsel for the parties.

2. The first objection of the petitioner to the impugned letter dated 19th June, 2002 is that the Secretary, Slum Rehabilitation Authority is not the competent authority and therefore he had no authority to issue the letter. Learned counsel submits that it is only the competent authority who can direct inclusion of a name in the list of allottees. Learned counsel for the respondents points out that in the letter itself the Secretary has stated that the order had been passed by the Ward Officer, G North Ward on 15th July 1995 and that the names of respondent nos. 6 and 7 were included at serial nos. 142 and 143 of the list prepared and the order has been passed by the competent authority and not by the Secretary who

has only directed implementation of the said order.

The first objection therefore has no merit.

2. It was secondly contended that the photopasses which were issued to the respondent nos. 6 and 7 were not proper and they were not actually residing there. This is a question of fact which cannot be investigated in exercise of the writ jurisdiction. Photopasses were issued for the first time in the year 1985 and renewed in the year 1998. It is too late in the day to contend that the photopasses were wrongly issued and in any event in exercise of writ jurisdiction such an enquiry is not possible.

3. Hence, there is no merit in the petition which is hereby dismissed.

D.G.KARNIK, J